IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.CJ.

APPEAL NO.666 OF 2006
IN
NOTICE OF MOTION NO.3148 OF 2005
IN
SUIT NO.897 OF 1994

M/s. Bhasin Associates P. Ltd. .. Appellant
v/s.
Brahma Consultants & Supplies P. Ltd. .. Respondent

Mr. A.Y. Bookwala, senior counsel with Ms. M.R. Kapadia for the Appellant.

Ms. Simran Puri i/by Ms. De Jure for the respondent.

CORAM : R.M.LODHA &
S.A.BOBDE, JJ.

DATED : 12TH SEPTEMBER, 2006.

P.C.

Mr. A.Y. Bookwala, the senior counsel for the appellant submitted that the appellant is ready and willing to furnish security for the entire decretal amount to the satisfaction of the Prothonotary and Senior Master. He, however, submitted that for doing so, the appellant shall require three weeks time from today. He also submitted that until the security is furnished by the appellant as directed in para 2(i) of the impugned order, the appellant shall not create any third party right, title or interest in respect of the properties referred to in the affidavit handed in today.

2. The counsel for the respondent does not have any objection to the prayer made by the senior counsel for the appellant.

3. We, accordingly, dispose of the appeal by the following order:-

i) The time of three weeks from today is granted to the appellant (original defendant) for furnishing security for the entire decretal amount to the satisfaction of the Prothonotary and Senior Master of this court.

ii) Until the security is furnished by the appellant as directed above, the appellant is restrained from encumbering or creating any third party right, title or interest or from selling, disposing of or alienating any immovable and moveable properties as referred to in the affidavit dated 12th September, 2006.

The impugned order stands modified accordingly.

(R.M.LODHA, J.)

(S.A.BOBDE, J.)